

AMENDED IN SENATE APRIL 17, 2013

SENATE BILL

No. 634

Introduced by Senator Price

February 22, 2013

An act to amend Sections 32280 and 32282 of, and to add Chapter 5.8 (commencing with Section 51950) to, to add Chapter 5.9 (commencing with Section 51970) to, and to repeal Article 5 (commencing with Section 51260) of Chapter 2 of, Part 28 of Division 4 of Title 2 of, the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 634, as amended, Price. School safety plans: safety drills and instruction.

Existing law requires each school district and county office of education to be responsible for the overall development of a comprehensive school safety plan for each of their constituent schools. Existing law requires the comprehensive school safety plan to both assess the current status of school crime committed on school campuses and at school-related functions, and identify appropriate strategies and programs that will provide or maintain a high level of school safety, as specified.

This bill would, in addition, require a comprehensive school safety plan to establish ~~minimum requirements and standards~~ *procedures* for schools to follow when conducting school safety drills and reviewing school emergency and crisis response plans, and encourage schools and first responders to work together for the safety of pupils by requiring school evacuation drills and law enforcement lockdown drills, as specified. The bill would also require schools, during each school year, to conduct a minimum of 2 school evacuation drills to prepare pupils

~~and school personnel for fire incidents, conducting school safety drills.~~ *The bill would require each school during each school year to conduct a minimum number of school evacuation drills relating to fire incidents, as provided,* and authorize schools to conduct other school evacuations, as specified. The bill would also require schools to conduct at least one law enforcement school lockdown drill. The bill would authorize schools, school districts, and county offices of education preparing for and executing these drills to work with local first responders and law enforcement agencies, as specified. By imposing additional duties on school districts, county offices of education, and schools, the bill would impose a state-mandated local program.

This bill would require the State Department of Education to make available information on model comprehensive school safety plans and training programs. The bill would require the department to prepare and distribute to school districts and county offices of education guidelines for incorporating in-service training in comprehensive school safety plan implementation, as provided. The bill would require the department, upon request, to assist school districts and county offices of education in developing comprehensive school safety plan in-service training programs, as defined, and assist the school districts and county offices of education to qualify for federal and state funds for these purposes. The bill would require the department to collaborate with other state agencies that administer emergency and crisis preparedness, safety planning, and violence prevention education programs to streamline the process whereby local education agencies apply for state and federal school safety funds. The bill would require the department to develop an ongoing statewide monitoring and assessment system to provide current and reliable data on the use of resources for programs for school safety.

The bill would move existing law relating to drug and gang violence to a new chapter of the Education Code and make conforming changes to that law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 32280 of the Education Code is amended
2 to read:

3 32280. (a) It is the intent of the Legislature that all California
4 public schools, in kindergarten, and grades 1 to 12, inclusive,
5 operated by school districts, in cooperation with local law
6 enforcement agencies, community leaders, parents, pupils, teachers,
7 administrators, and other persons who may be interested in the
8 prevention of campus crime and violence, develop a comprehensive
9 school safety plan that addresses the safety concerns identified
10 through a systematic planning process.

11 (b) For the purposes of this section:

12 (1) Law enforcement agencies include local police departments,
13 county sheriffs' offices, school district police or security
14 departments, probation departments, and district attorneys' offices.

15 (2) First responders include local fire departments, emergency
16 medical responders, and emergency management officials.

17 (3) "Safety plan" means a developed plan of strategies that are
18 coordinated with first responders and law enforcement agencies
19 and aimed at the prevention of, education about, and response to
20 potential incidents involving natural disasters, crime, and violence
21 on or near the school campus.

22 SEC. 2. Section 32282 of the Education Code is amended to
23 read:

24 32282. (a) The comprehensive school safety plan shall include,
25 but not be limited to, all of the following:

26 (1) Assessing the current status of school crime committed on
27 school campuses and at school-related functions.

28 (2) Identifying appropriate strategies and programs that will
29 provide or maintain a high level of school safety and address the
30 school's procedures for complying with existing laws related to
31 school safety, which shall include the development of all of the
32 following:

33 (A) Child abuse reporting procedures consistent with Article
34 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of
35 Part 4 of the Penal Code.

(B) Disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.). The disaster procedures shall also include, but not be limited to, both of the following:

(i) Establishing an earthquake emergency procedure system in every public school building having an occupant capacity of 50 or more pupils or more than one classroom. A school district or county office of education may work with the California Emergency Management Agency and the Seismic Safety Commission to develop and establish the earthquake emergency procedure system. The system shall include, but not be limited to, all of the following:

(I) A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of pupils and staff.

(II) A drop procedure whereby each pupil and staff member takes cover under *a each* table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows. A drop procedure practice shall be held at least once each school quarter in elementary schools and at least once *a each* semester in secondary schools.

(III) Protective measures to be taken before, during, and following an earthquake.

(IV) A program to ensure that pupils and both the certificated and classified staff are aware of, and properly trained in, the earthquake emergency procedure system.

(ii) Establishing a procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The school district or county office of education shall cooperate with the public agency in furnishing and maintaining the services as the school district or county office of education may deem necessary to meet the needs of the community.

(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27 of Division 4 of Title 2.

1 (D) Procedures to notify teachers of dangerous pupils pursuant
2 to Section 49079.

3 (E) A discrimination and harassment policy consistent with the
4 prohibition against discrimination contained in Chapter 2
5 (commencing with Section 200) of Part 1.

6 (F) The provisions of a schoolwide dress code, pursuant to
7 Section 35183, that prohibits pupils from wearing “gang-related
8 apparel,” if the school has adopted that type of a dress code. For
9 those purposes, the comprehensive school safety plan shall define
10 “gang-related apparel.” The definition shall be limited to apparel
11 that, if worn or displayed on a school campus, reasonably could
12 be determined to threaten the health and safety of the school
13 environment. A schoolwide dress code established pursuant to this
14 section and Section 35183 shall be enforced on the school campus
15 and at any school-sponsored activity by the principal of the school
16 or the person designated by the principal. For purposes of this
17 paragraph, “gang-related apparel” shall not be considered a
18 protected form of speech pursuant to Section 48950.

19 (G) Procedures for safe ingress and egress of pupils, parents,
20 and school employees to and from school.

21 (H) A safe and orderly environment conducive to learning at
22 the school.

23 (I) The rules and procedures on school discipline adopted
24 pursuant to Sections 35291 and 35291.5.

25 (3) ~~Establishing minimum requirements and standards~~
26 ~~procedures for schools to follow when conducting school safety~~
27 ~~drills and reviewing school emergency and crisis response plans,~~
28 ~~and encouraging schools and first responders to work together for~~
29 ~~the safety of pupils. Communities and schools may exceed these~~
30 ~~requirements and standards.~~

31 ~~(A) All school districts and county offices of education shall~~
32 ~~incorporate the following safety drills into their School safety drills~~
33 ~~shall be incorporated into the comprehensive school safety plans~~
34 ~~and all schools plan, and each school shall administer the drills~~
35 ~~as follows:~~

36 ~~(i) School evacuation drills that prepare pupils and school~~
37 ~~personnel to respond to situations under which conditions outside~~
38 ~~of school buildings are safer than conditions inside school~~
39 ~~buildings. Incidents that cause the need to evacuate may vary based~~

1 on school location and may include, but are not limited to, the
2 following:

3 (I) Fire;

4 (II) Suspicious items;

5 (III) Hazardous materials incidents;

6 (IV) Bomb threats;

7 (V) Shooting incidents on school grounds;

8 (ii) Law enforcement school lockdown drills that prepare pupils
9 and school personnel to respond to situations in which conditions
10 inside school buildings are safer than conditions outside school
11 buildings. Incidents that cause a school lockdown and law
12 enforcement intervention may vary based on the school's location
13 and may include, but are not limited to, the following:

14 (I) Suspicious items and persons;

15 (II) Hazardous materials incidents;

16 (III) Bomb threats;

17 (IV) Shooting incidents near school grounds;

18 (B) During each school year, each school shall conduct a minimum
19 of two school evacuation drills to prepare pupils and school
20 personnel for fire incidents. A school may conduct additional
21 evacuation drills for other evacuation incidents, including, but not
22 limited to, suspicious items, bomb threats, hazardous materials
23 incidents, and on-campus shooting incidents.

24 (A) During each school year, each school shall conduct at least
25 the minimum number of school evacuation drills to prepare pupils
26 and school personnel for fire incidents as are required by Section
27 32001. A school may conduct additional evacuation drills for other
28 incidents that may require evacuation, including, but not limited
29 to, suspicious items, bomb threats, hazardous materials incidents,
30 on-campus shooting incidents, and other situations under which
31 conditions outside of school buildings are safer than conditions
32 inside school buildings.

33 (C)

34 (B) During each school year, each school shall conduct a
35 minimum of one law enforcement school lockdown drill to prepare
36 pupils, school personnel, and law enforcement personnel for a law
37 enforcement lockdown incident to respond to situations in which
38 conditions inside school buildings are safer than conditions outside
39 school buildings. This drill may include, but is not limited to,
40 responses to suspicious items or persons, hazardous materials

1 incidents, bomb threats, and shooting incidents *on or* near school
2 grounds.

3 ~~(D)~~

4 (C) In the preparation for and execution of the drills referred to
5 in ~~subparagraphs (B) and (C)~~ *subparagraph (A) or (B)*, the school,
6 school district, or county office of education conducting these
7 drills may work with local first responders and law enforcement
8 agencies to formulate safety plans and to prepare and execute
9 safety drills.

10 (b) It is the intent of the Legislature that schools develop
11 comprehensive school safety plans using existing resources,
12 including the materials and services of the partnership, pursuant
13 to this chapter. It is also the intent of the Legislature that schools
14 use the handbook developed and distributed by the School/Law
15 Enforcement Partnership Program entitled “Safe Schools: A
16 Planning Guide for Action” in conjunction with developing their
17 plan for school safety.

18 (c) Grants to assist schools in implementing their comprehensive
19 school safety plan shall be made available through the partnership
20 as authorized by Section 32285.

21 (d) Each schoolsite council or school safety planning committee
22 in developing and updating a comprehensive school safety plan
23 shall, where practical, consult, cooperate, and coordinate with
24 other schoolsite councils or school safety planning committees.

25 (e) The comprehensive school safety plan may be evaluated and
26 amended, as needed, by the school safety planning committee, but
27 shall be evaluated at least once a year, to ensure that the
28 comprehensive school safety plan is properly implemented. An
29 updated file of all safety-related plans and materials shall be readily
30 available for inspection by the public.

31 (f) As comprehensive school safety plans are reviewed and
32 updated, the Legislature encourages all plans, to the extent that
33 resources are available, to include policies and procedures aimed
34 at the prevention of bullying.

35 (g) The comprehensive school safety plan, as written and
36 updated by the schoolsite council or school safety planning
37 committee, shall be submitted for approval under subdivision (a)
38 of Section 32288.

SEC. 3. Article 5 (commencing with Section 51260) of Chapter 2 of Part 28 of Division 4 of Title 2 of the Education Code is repealed.

SEC. 4. Chapter 5.8 (commencing with Section 51950) is added to Part 28 of Division 4 of Title 2 of the Education Code, to read:

CHAPTER 5.8. DRUG AND GANG VIOLENCE EDUCATION

51950. (a) Instruction shall be given in the elementary and secondary schools by appropriately trained instructors on drug education and the effects of the use of tobacco, alcohol, narcotics, restricted dangerous drugs, as defined in Section 11032 of the Health and Safety Code, and other dangerous substances.

(b) For purposes of this chapter, an “appropriately trained instructor” is one who, based upon the determination of the site administrator, demonstrates competencies in interacting in a positive manner with children and youth; demonstrates knowledge of the properties and effects of tobacco, alcohol, narcotics, and dangerous drugs; and who demonstrates skills in conducting affective education that include methods and techniques for helping children and youth to freely express ideas and opinions in a responsible manner and to gain an awareness of their values as they make decisions related to drug use and misuse.

(c) In grades 1 to 6, inclusive, instruction on drug education should be conducted in conjunction with courses given on health pursuant to subdivision (f) of Section 51210.

(d) In grades 7 to 12, inclusive, instruction on drug education shall be conducted in conjunction with courses given on health or in any appropriate area of study pursuant to Section 51220.

(e) The instruction shall be sequential in nature and designed to meet the needs of pupils at their grade level.

51951. Notwithstanding Sections 44227 and 44228, the state board shall not accredit a teacher education institution for teacher certification purposes unless it offers courses for prospective teachers on drug education and the effects of the use of tobacco, alcohol, narcotics, restricted dangerous drugs, as defined in Section 11032 of the Health and Safety Code, and other dangerous substances. The state board shall continually reevaluate approved teacher training institutions to ensure that programs are in conformance with the intent of this section.

1 51952. The Legislature hereby finds and declares that the use
2 of anabolic steroids to expedite the physical development and to
3 enhance the performance level of secondary school athletes
4 presents a serious health hazard to these student athletes. It is the
5 intent of the Legislature in enacting this chapter that schools be
6 encouraged to include in instruction in grades 7 to 12, inclusive,
7 in science, health, drug abuse, or physical education programs, a
8 lesson on the effects of the use of anabolic steroids.

9 51953. The department ~~of~~ shall make available information on
10 model drug and alcohol abuse prevention education programs
11 developed and funded pursuant to Chapter 7 (commencing with
12 Section 13860) of Title 6 of Part 4 of the Penal Code and other
13 public and private sources.

14 51954. (a) The department shall prepare and distribute to
15 school districts and county offices of education guidelines for
16 incorporating in-service training in gang violence and drug and
17 alcohol abuse prevention for teachers, counselors, athletic directors,
18 school board members, and other educational personnel into the
19 staff development plans of all school districts and county offices
20 of education.

21 (b) The department shall, upon request, assist school districts
22 and county offices of education in developing comprehensive gang
23 violence and drug and alcohol abuse prevention in-service training
24 programs. The department's information and guidelines, to the
25 maximum extent possible, shall encourage school districts and
26 county offices of education to avoid duplication of effort by sharing
27 resources, adapting or adopting model in-service training programs,
28 developing joint and collaborative programs, and coordinating
29 efforts with existing state staff development programs, county
30 gang violence and drug and alcohol staff development programs,
31 county health departments, county and city law enforcement
32 agencies, and other public and private agencies providing health,
33 drug, alcohol, gang violence prevention, or other related services
34 at the local level.

35 (c) The department shall assist school districts and county offices
36 of education in qualifying for the receipt of federal and state funds
37 to support their gang violence and drug and alcohol abuse
38 prevention in-service training programs.

39 (d) A school that chooses to use the provisions of this chapter
40 related to in-service training in gang violence and drug and alcohol

1 abuse prevention, is encouraged to develop a single plan to
2 strengthen its gang violence and drug and alcohol abuse prevention
3 efforts. If a school develops or has developed a school safety plan
4 pursuant to Article 5 (commencing with Section 32280) of Chapter
5 2.5 of Part 19, it is encouraged to incorporate into that plan, where
6 appropriate, the gang violence and drug and alcohol prevention
7 plan that it has developed.

8 (e) The department shall consult with the Office of Emergency
9 Services regarding gang violence.

10 51955. (a) It is the intent of the Legislature that school districts
11 and county offices of education give high priority to gang violence
12 and drug and alcohol abuse prevention in-service training programs
13 that shall be part of the overall strategy for comprehensive gang
14 violence and drug and alcohol abuse prevention education.

15 (b) “Gang violence and drug and alcohol abuse prevention
16 in-service training,” for purposes of this chapter, means the
17 presentation of programs, instruction, and curricula that will help
18 educators develop competencies in interacting in a positive manner
19 with children and youth to assist them in developing the positive
20 values, self-esteem, knowledge, and skills to lead productive,
21 gang-free, and drug-free lives; develop knowledge of the causes
22 of gang violence and substance abuse, and the properties and effects
23 of tobacco, alcohol, narcotics, and dangerous drugs, including the
24 risk of contracting acquired immune deficiency syndrome (AIDS)
25 associated with intravenous drug use; receive training regarding
26 available information and resources concerning gang violence,
27 and drug and alcohol abuse prevention, as well as antigang and
28 antisubstance abuse crime trends; develop familiarity with teaching
29 social skills and resistance skills to children and youth; and develop
30 skills in conducting affective education that include methods and
31 techniques for helping children and youth to freely express ideas
32 and opinions in a responsible manner and to understand the nature
33 and consequences of their decisions as they relate to gang
34 involvement and drug and alcohol abuse.

35 51956. (a) The Office of Emergency Services, in collaboration
36 with the department, shall develop a model gang violence
37 suppression and substance abuse prevention curriculum for grades
38 2, 4, and 6. The curriculum for grades 2, 4, and 6 shall be modeled
39 after a similar curriculum that has been developed by the Orange
40 County Office of Education for grades 3, 5, and 7. The Office of

Emergency Services, in collaboration with the department, may contract with a county office of education for the development of the model curriculum. The model curriculum shall be made available to school districts and county offices of education and shall, at a minimum, provide for each of the following:

(1) Lessons for grades 2, 4, and 6 that are aligned with the state curriculum frameworks for history, social science, and English and language arts.

(2) Instructional resources that address issues of ethnic diversity and at-risk pupils.

(3) The integration of the instructional resources of the Office of Emergency Services and the School/Law Enforcement Partnership in order to support the school curriculum and assist in the alignment of the state curriculum framework.

(b) The Office of Emergency Services shall develop an independent evaluation of the pupil outcomes of the model gang violence suppression and substance abuse prevention curriculum program.

51957. The Office of Emergency Services shall review the model gang violence suppression and substance abuse prevention curriculum for grades 2, 4, and 6, developed pursuant to Section 51956, and identify methods by which the curriculum can best be used in rural school settings.

51958. The department shall encourage school districts and county offices of education to avoid duplication of efforts with regard to education programs for the prevention of drug, alcohol, and tobacco abuse through the following methods:

(a) The sharing of resources.

(b) The adaptation or adoption of model programs.

(c) The development of joint and collaborative programs.

(d) Coordination of the local planning and implementation of state programs with local health, social services, criminal justice, and education agencies and other entities.

(e) The use of a single community advisory committee or task force for drug, alcohol, and tobacco abuse prevention programs, as an alternative to the creation of a separate group for that purpose under each state or federally funded program.

51959. (a) The department shall collaborate, to the extent possible, with other state agencies that administer drug, alcohol, and tobacco abuse prevention education programs to streamline

1 and simplify the process whereby local educational agencies apply
2 for state and federal drug, alcohol, and tobacco education funds.

3 (b) The department, in consultation with the Department of
4 Justice, the Office of Emergency Services, and the State
5 Department of Alcohol and Drug Programs, shall develop, to the
6 extent possible, an ongoing statewide monitoring and assessment
7 system to provide current and reliable data on the utilization of
8 resources for programs for prevention of and early intervention
9 for drug, alcohol, and tobacco abuse. The purpose of the system
10 shall be to facilitate improved planning and program delivery
11 among state and local agencies, including law enforcement,
12 juvenile justice, county health, and county drug and alcohol
13 agencies and programs, and communities.

14 SEC. 5. Chapter 5.9 (commencing with Section 51970) is added
15 to Part 28 of Division 4 of Title 2 of the Education Code, to read:

16
17 CHAPTER 5.9. COMPREHENSIVE SCHOOL SAFETY PLAN
18 EDUCATION
19

20 51970. For purposes of this chapter, “comprehensive school
21 safety plan in-service training” or “in-service training” means the
22 presentation of programs, instruction, and curricula that will help
23 educators develop competencies in responding to situations that
24 require the implementation of the school’s comprehensive school
25 safety plan developed pursuant to Article 5 (commencing with
26 Section 32280) of Chapter 2.5 of Part 19 of Division 1 of Title 1.

27 51971. (a) The Legislature hereby finds and declares that
28 training teachers and staff to follow a comprehensive school safety
29 plan developed pursuant to Article 5 (commencing with Section
30 32280) of Chapter 2.5 of Part 19 of Division 1 of Title 1 is essential
31 to emergency preparedness, crisis management, and school safety.

32 (b) It is the intent of the Legislature in enacting this chapter that
33 schools are encouraged to include instruction on implementing
34 comprehensive school safety plans for teachers and staff.

35 (c) It is also the intent of the Legislature that school districts
36 and county offices of education give high priority to comprehensive
37 school safety in-service training programs that may be part of the
38 overall strategy for developing and implementing comprehensive
39 school safety plans.

1 51972. The department shall make available information on
2 model comprehensive school safety plans and training programs
3 that instruct teachers and school staff on how to implement the
4 comprehensive school safety plan.

5 51973. (a) The department shall prepare and distribute to
6 school districts and county offices of education guidelines for
7 incorporating in-service training in comprehensive school safety
8 plan implementation for teachers, counselors, athletic directors,
9 school board members, and other educational personnel into the
10 staff development plans of all school districts and county offices
11 of education.

12 (b) The department shall, upon request, assist school districts
13 and county offices of education in developing comprehensive
14 school safety plan in-service training programs. The department's
15 information and guidelines, to the maximum extent possible, shall
16 encourage school districts and county offices of education to avoid
17 duplication of effort by sharing resources, adapting or adopting
18 model in-service training programs, developing joint and
19 collaborative programs, and coordinating efforts with existing state
20 staff development programs, state, county, and city law
21 enforcement agencies, and other public and private agencies
22 providing emergency response, violence prevention, or other related
23 services at the local level.

24 (c) The department shall assist school districts and county offices
25 of education in qualifying for the receipt of federal and state funds
26 to support their development of comprehensive school safety plan
27 in-service training programs. This shall include any moneys made
28 available pursuant to the President's "Now is the Time" plan,
29 relating to reducing gun violence, to help school districts develop
30 and implement emergency management plans.

31 (d) A school that chooses to use provisions of this chapter related
32 to a comprehensive school safety plan is encouraged to incorporate
33 the in-service training program into the comprehensive school
34 safety plan developed pursuant to Article 5 (commencing with
35 Section 32280) of Chapter 2.5 of Part 19 of Division 1 of Title 1.

36 (e) The department shall consult with the United States
37 Department of Education and the Office of Emergency Services
38 regarding school safety preparedness.

39 51974. The department shall encourage school districts and
40 county offices of education to avoid duplication of efforts with

1 regard to education programs for comprehensive school safety
2 plans through the following methods:

- 3 (a) The sharing of resources.
- 4 (b) The adaptation or adoption of model programs.
- 5 (c) The development of joint and collaborative programs.
- 6 (d) Coordination of local planning and implementation of state
7 programs with local law enforcement and education agencies and
8 other entities.

9 51975. (a) The department shall collaborate, to the extent
10 possible, with other state agencies that administer emergency and
11 crisis preparedness, safety planning, and violence prevention
12 education programs to streamline and simplify the process whereby
13 local educational agencies apply for state and federal school safety
14 education funds.

15 (b) The department, in consultation with the Department of
16 Justice and the Office of Emergency Services, shall develop, to
17 the extent possible, an ongoing statewide monitoring and
18 assessment system to provide current and reliable data on the use
19 of resources for programs for school safety. The purpose of the
20 system shall be to facilitate improved planning and program
21 delivery among state and local agencies, including law
22 enforcement, juvenile justice, county health, and communities.

23 SEC. 6. If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.